

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,

Plaintiff,

v.

AMBAC ASSURANCE CORPORATION, et. al

Defendants.

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

Adv. Proc. No. 20-0003-LTS

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,

Plaintiff,

v.

AMBAC ASSURANCE CORPORATION, et. al

Defendants.

Adv. Proc. No. 20-0004-LTS

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,

Plaintiff,

v.

AMBAC ASSURANCE CORPORATION, *et al.*,

Defendants.

Adv. Proc. No. 20-0005-LTS

ORDER SETTING DISCOVERY SCHEDULE

This matter is before the Court on the *Joint Status Report of Ambac Assurance Corporation, Financial Guaranty Insurance Company, Assured Guaranty Corp., Assured Guaranty Municipal Corp., National Public Finance Guarantee Corporation, The Bank of New York Mellon, U.S. Bank Trust National Association, and the Financial Oversight and Management Board for Puerto Rico, as Representative of the Commonwealth of Puerto Rico, Pursuant to the Court's January 20, 2021 Order* (Dkt. No. 15801 in 17-BK-3283; Dkt. No. 118 in

20-AP-03; Dkt. No. 111 in 20-AP-04; and Dkt. No. 132 in 20-AP-05) (the “Status Report”).

Having reviewed carefully the parties’ positions, the Court hereby enters the following schedule for limited discovery authorized by the Court’s January 20, 2021 Order (Dkt. No. 115 in 20-AP-03; Dkt. No. 108 in 20-AP-04; and Dkt. No. 129 in 20-AP-05) (the “Discovery Order”).

1. The Defendants must serve initial document requests on the Government by **February 8, 2021**. The Defendants will have the opportunity to serve limited, targeted follow-up requests consistent with the Discovery Order before the end of the discovery period.
2. Third-party document requests must be noticed sufficiently in advance to obtain documents prior to of the completion of fact discovery.
3. The Defendants must serve any interrogatories and/or requests for admission sufficiently in advance to obtain responses prior to the completion of fact discovery.
4. The parties shall file a joint status report (raising any then-expected discovery disputes) by **February 25, 2021**. A status conference will be scheduled by the Court if appropriate.
5. Rule 30(b)(6) deposition notices must be served on the Government **by March 22, 2021**.
6. Deposition notices to third parties and fact witnesses must be served sufficiently in advance to conclude depositions prior to the completion of fact discovery.
7. The Government’s document production must be completed by **April 14, 2021**.

8. The parties shall file a final joint status report (raising any remaining discovery disputes) by **April 16, 2021**. A status conference will be scheduled by the Court if appropriate.
9. Depositions and all fact discovery shall be completed by **May 7, 2021**.
10. Responses and objections to any document and written discovery requests shall be due within fourteen (14) days of service of such requests.
11. Document and written discovery requests, and responses and objections thereto, may be served via e-mail. Federal Rule of Civil Procedure 6(d) shall not apply to service of any papers by email during the pendency of discovery authorized under the Discovery Order.
12. If any party requests a meet-and-confer during the pendency of discovery authorized under the Discovery Order, such meet-and-confer shall occur within five (5) calendar days of the request, unless the party requesting the meet-and-confer agrees otherwise.
13. Consistent with the Discovery Order, the Parties' discussions regarding the Joint Status Report and this proposed schedule do not constitute a Federal Rule of Civil Procedure 26(f) conference, and this order is not a scheduling order under Federal Rule of Civil Procedure 16(b).
14. This Court will make no changes to Judge Swain's directive in the Discovery Order concerning subsequent briefing.

This order resolves Dkt. No. 15801 in 17-BK-3283; Dkt. No. 118 in 20-AP-03; Dkt. No. 111 in 20-AP-04; and Dkt. No. 132 in 20-AP-05.

SO ORDERED.

/s / Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge

DATED: February 5, 2021